REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend Claims 1, 3 and 7. Applicants do not cancel any claims or add any new claims. Accordingly, Claims 1-7 are pending.

I.   Claims Rejected Under 35 U.S.C. § 112

Claims 3 and 4 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner points out that the limitations "said fourth step" and "said sixth step" recited in Claim 3 lack antecedent basis. Applicants have amended Claim 3 by replacing "said fourth step" with "the step a1)" and "said sixth step" with "the step a3)" to provide the antecedent bases.

In regard to Claim 4, Claim 4 is rejected solely for its dependency on Claim 3. Applicants submit that the amendment to Claim 3 has placed Claim 4 in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection of Claims 3 and 4 are requested.

II.   Claims Rejected Under 35 U.S.C. § 102

Claims 1, 2 and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,771,703 issued to Oguz, et al. ("Oguz"). Applicants respectfully traverse the rejection.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Amended Claims 1 and 7 recite the elements of "decomposing a stored original video bit stream into a plurality of files of a plurality of file types capable of supporting the variable bit rate, and then storing the files;" "merging selective files of the plurality of files to form a frame based on the decomposed file types by considering a traffic state of a communication network;" and "providing the streaming service by using the video bit stream merged." Applicants respectfully submit that Oguz does not teach these elements.

Oguz teaches a stream server that executes a MPEG scaling program for reducing the bandwidth of non-scalable MPEG-2 video. The scaling program generates a reduced-quality MPEG file by selectively removing Discrete Cosine Transform (DCT) coefficients from each 8x8 block of a frame (Abstract). The scaling program uses one of the pre-determined scaling algorithmms to determine which DCT coefficients to remove (Fig. 13). In contrast to Claims 1 and 7, Oguz does not teach decomposing a bit stream into files and merging selective files to form a frame. Rather, Oguz teaches removing DCT coefficients from each block of a frame. The Examiner has not identified and Applicants have been unable to discern any part of Oguz that teaches the elements of decomposing and merging as recited in Claims 1 and 7.

Assuming, solely for the sake of argument, that Oguz's stream server decomposes a frame into 8x8 blocks and merges the blocks to form a frame. However, Applicants note that all of the 8x8 blocks of a frame are required to form the frame according to the principle of MPEG encoding. There is no notion of selective merging in Oguz's teaching. Oguz at most teaches the selective removal of certain frequency components in a frame.

Further, Oguz also does not teach merging selective files to form a frame. Oguz discloses that a reduced-quality MPEG file may be generated for a video clip (col. 9, lines 17-18), which by definition includes more than one frame. Thus, Oguz's teaching at most may be characterized as merging files of video clips to form a video stream, which is fundamentally different from merging files to form a frame as recited in Claims 1 and 7.

Thus, Oguz does not teach each of the elements of Claims 1 and 7. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 1 and 7 are requested.

Claim 2 depends from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Oguz does not anticipate Claim 2. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claim 2 are respectfully requested.

III. Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent from a reject base Claim 1, but would be allowable if rewritten in an independent form. Applicants respectfully submit that the amendment to Claim 1 has obviated the need to rewrite these claims. As Claim 1 is in condition for allowance, Claims 5 and 6, which depend from Claim 1 and incorporate the limitations thereof, are allowable at least for the reasons mentioned in regard to Claim 1. Accordingly, reconsideration and withdrawal of the objection of Claims 5 and 6 are requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: _____ 6/15, 2005
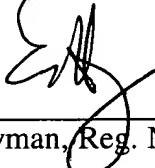
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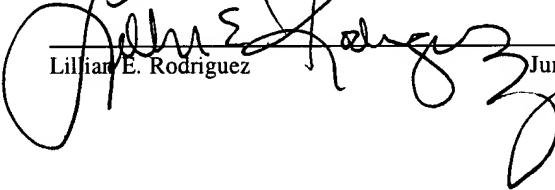
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Lillian E. Rodriguez   June 15, 2005